IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 201 OF 2003

Mr. Moses Fernandes,
major, married, Indian
National, resident of
H.No.1/243, Holiday
Streeet, Gaurowaddo,
Calangutte, Bardez, Goa. ... Petitioner.

versus

1. Village Panchayat of
   Calangute, Calangute,
   Bardez, Goa.

2. Dr. Subodh Kerkar,
   major, married,
   Indian National,
   resident of H.No.1/239-A,
   Holiday Street,
   Gaurowaddo, Calangute,
   Bardez, Goa.

3. State of Goa,
   through Chief Secretary,
   Secretariat, Panaji, Goa.

4. Town & Country Planning
   Department, Panaji, Goa.

5. Director of Panchayats,
   Junta House, 18th June Road,
   Panaji, Goa.

6. Deputy Director of
   Panchayats, Junta House,
   18th June Road,
   Panaji, Goa.

7. Block Development Officer
   at Mapusa, Mapusa,
   Bardez, Goa. ... Respondents.

Mr. Melwin Viegas, Advocate for the Petitioner.

Mr. A. N. S. Nadkarni, Advocate General with Mr. H. D. Naik, Additional Government Advocate for Respondent Nos.3, 5 to 7.

Mr. M. S. Sonak, Advocate for Respondent No.2.

Mr. P. A. Kamat, Advocate for Respondent No.1.

CORAM: F. I. REBELLO &
P. V. HARDAS, JJ.

DATED: 23RD JULY, 2003.

ORAL JUDGMENT(PER F.I.REBELLO, J.)

Rule.

Respondents waive service. Heard forthwith.

The Petitioner has come to the Court contending that the Judgment passed by the Deputy Director of Panchayats, North at Panaji, Goa, dated 30th August, 2000, has not yet been complied with. The contention of Respondent No.2 is that a record itself would show that there has been compliance with the Order. The contention on behalf of the Petitioner is that the subsequent inspection would disclose that it has not been complied with. Respondent No.2 has a grievance in regard to that inspection on the ground that that was done without proper notice to him and in his absence. Considering the controversy involved, the

Petition is disposed of by issuing the following directions:-

1. Respondent No.6 to issue fresh notice to the Petitioner and to Respondent No.2 for the purpose of holding a site inspection in respect of the structure which was the subject matter of Order dated 30th August, 2000. After hearing the parties, if Respondent No.6 comes to the conclusion that the structure has not been demolished then to proceed to act according to law to enforce the Judgment and Order dated 30th August, 2000.

2. In so far as prayer clause (C) is concerned, it will not be possible to grant any relief considering that there are provisions of the Panchayat Raj Act, 1994 for appropriate reliefs and to whom the Petitioner has approached. Respondent No.7 is directed to dispose of the said proceedings at the earliest considering the rainy season.

Rule accordingly.

In the circumstances of the case there shall be no order as to costs.

P. V. HARDAS, J. F. I. REBELLO, J.

RD.